

Remarks/Arguments

A. Status of the Claims

Claims 23-24, 28-30, 33-36, 38, 43, 45, and 48-50 are revised, non-limiting support for which can be found in the specification and claims as originally filed. Claims 25 and 31-32 are cancelled.

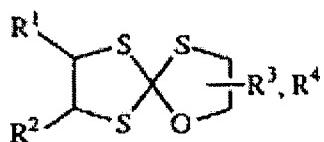
Therefore, claims 23-24, 26-30, and 33-51 are pending.

B. The Anticipation Rejection Is Still Improper

Claims 23-25 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Barbero *et al.*, J. Chem. Soc. (“Barbero”). Barbero is said to disclose formula 1 with 3 of the X moieties being sulfur. Action at page 2.

Applicant respectfully disagrees. Claim 23 is revised by suppressing the possibility for the substituents M to be a hydrogen atom.

By comparison, Barbero discloses the following compound:



where the R¹, R², R³ and R⁴ groups are all different from Applicant's claimed M substituents.

Given that Barbero fails to disclose every aspect of claim 23, the current anticipation rejection cannot be maintained. *See In re Bond*, 910 F.2d 831, 832 (Fed. Cir. 1990) (“For a prior art reference to anticipate in terms of 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference.”). This standard is not met in the present case.

Applicant requests that the anticipation rejection be withdrawn.

C. Conclusion

Applicant believes that this case is in condition for allowance and such favorable action is requested. The Examiner is invited to contact the undersigned Attorney at 512.536.3020 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

Michael R. Krawzenek

Reg. No. 51,898

Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
512.536.3020 (voice)
512.536.4598 (fax)

Date: September 29, 2009